

Pohaku Funding and Investment Corporation, and Debra Heverly Campbell and Jade Makana Heverly-Campbell as beneficiaries of Pohaikealoha Trust (hereinafter collectively referred to as “Plaintiffs”) as set forth herein.

Pursuant to Federal Rule of Civil Procedure 12(b)(5), Defendant Colony Surf files its Motion to Dismiss seeking to dismiss Plaintiffs’ First Amended Complaint on the basis that it has been improperly served.

The Colony Surf Defendants² seek to dismiss Plaintiffs’ First Amended Complaint pursuant to Federal Rules of Civil Procedure 12(b)(2), 12(b)(3), and 12(b)(6).

The reasons supporting this Motion are set forth in more detail in the accompanying Memorandum of Law filed contemporaneously herewith.

WHEREFORE, the Colony Surf Defendants respectfully request this Honorable Court dismiss Plaintiffs’ First Amended Complaint with prejudice.

Respectfully submitted,

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² Should the Court determine that Defendant Colony Surf was properly served, Defendant Colony Surf joins in the Colony Surf Defendants’ Motion to Dismiss Plaintiffs’ First Amended Complaint on the bases of personal jurisdiction, improper venue, and failure to state a claim on which relief may be granted pursuant to Federal Rules of Civil Procedure 12(b)(2), 12(b)(3), and 12(b)(6) respectively.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 20th day of June 2017, a true and correct copy of **Defendants' Motion to Dismiss Plaintiffs' First Amended Complaint** was served via electronic means on all counsel and parties of record:

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